

REPORT OF THE COMMITTEE ON MEDICAL DEFENSE.

To the President and Members of the House of Delegates—

Gentlemen: The plan for medical defense adopted by the Council, and now to be accepted or rejected by this House of Delegates, is as follows:

1st. Every member in good standing (dues paid) is to be defended, free of all cost to himself, in case of any suit for malpractice against him.

2d. Any member threatened with a suit is to communicate with the Secretary immediately, so that our attorneys may take the matter up and possibly avoid the trouble and expense of opposing a suit by simply letting the would-be plaintiff know that any such suit will be fought by the Society to the limit of legal possibilities.

3d. In places so distant from San Francisco that it would not be practicable for our attorney to go there and personally conduct the defense, a local attorney, acceptable to the defendant and to our attorney, will be appointed and he will act in consultation with the attorney of the Society.

4th. Any member against whom suit is filed must transmit the original papers served upon him, or a true copy thereof, to the Secretary of the State Society within forty-eight hours. He must also send to the Secretary a full and complete statement of the case, name, age, illness or injury of patient, and in general a full account of the ailment and his treatment thereof.

5th. The alleged malpractice must have occurred on or after July 1, 1909, and the defendant must have been at that time and continuously thereafter a member in good standing (dues paid) of his county medical society. No suit will be defended in which the defendant was not a member in good standing at the time at which the alleged malpractice occurred.

As we were unable to form any idea of the probable cost attached to this work, it was decided that our attorney be requested to refrain from asking for his retainer or other fees until after this meeting of the Society, by which time it would be evident what sum would probably support the work. To date there have been two threatened suits and one actual suit (later withdrawn) filed against members. The cost to date is three hundred dollars (\$300.00).

The Council has therefore recommended that the assessment for Malpractice Defense be fixed at fifty cents, to be made payable immediately, to cover the work from last July to date. This will leave a balance on hand which will probably be sufficient to carry on the work for the rest of the year, and in January, 1911, a second assessment of fifty cents should be paid to cover the work for the fiscal year 1911. In case any expensive suits should occur in the future it will be possible to increase the amount of the assessment when it becomes necessary, but experience in other States seems to show that members can be defended successfully at an annual cost of not much over fifty cents per member.

The Committee most earnestly endorses the recommendation of the Council that the plan for

Medical Defense as outlined herein be endorsed by this House of Delegates and that it be ordered continued indefinitely.

Your Committee believes, however, that this House of Delegates should consider two alternative plans for the financial conduct of medical defense.

1st. Fix the assessment for this purpose at one dollar per year for a few years, thus slowly accumulating a defense fund of some thousands of dollars, and then make the annual assessments thereafter such small amounts as will cover the work without allowing the reserve fund to be lowered.

2d. Fix the assessment for the first one or two years at five dollars per year, thus accumulating a reserve defense fund immediately and then making such annual assessment as would pay for the year's work and keep the defense fund intact.

The House might also consider the plan of accumulating, as rapidly as may be, a fund of say \$10,000.00, so that the work could be conducted largely upon the income from this fund, while at the same time we would be in a position to not only fight the suits, but also, if a final judgment should be secured against a member, pay the amount of damages allowed. This is one of the many features and details which the Council considered at considerable length but, for various reasons, did not include in the plan finally adopted, the weight of opinion being that the amount of the assessment should be kept low until the House of Delegates had had an opportunity of considering the question and finally passing upon it.

Respectfully submitted,

ALFRED B. GROSSE,
Chairman.

REPORT OF THE EDITOR.

To the President and Members of the House of Delegates:

Gentlemen—The Chairman of the Council has reported to you the facts regarding the financial and business conditions of the publications of the Society; the Secretary has elaborated upon the same elements in connection with the JOURNAL and all of his books, accounts, reports, etc., have been submitted to you. The Editor will not touch upon this territory at all, except to state that there seem to be two entirely different views of the JOURNAL in regard to its value or worthlessness. After eight years of unremitting toil on the part of the Editor, the JOURNAL seems to have reached a position where it looks good enough, to a layman and a would-be publisher, to swallow whole and be by him slowly digested and absorbed—to his own profit.

On the other hand, to a member of our Society, a colleague and distinguished confrere of San Francisco, the JOURNAL is worse than none at all because it does not come up to the high grade of scientific excellence represented in the *Journal of the American Medical Association*, and therefore it should either be made at once a most distinctly and distinguishedly scientific publication—or it should be abolished. This is indeed a sadly pessimistic state

of mind and seems to agree not at all with the view of the layman who thinks the JOURNAL good enough to appropriate for his own.

In several previous reports the Editor has called attention to the fact that the JOURNAL is just exactly what you gentlemen, and the other members of the Society, make it. If your papers are poor in quality, by just that much does the tone of the JOURNAL fall; if they are good papers, showing good, thorough and careful work, by that much has the scientific tone and quality of the JOURNAL been improved. No one man can write scientific editorials or reviews of medical progress on all medical subjects. But there are a number of members of this Society who are quite able to write such articles, each on his own subject, from time to time, and their inclusion in the JOURNAL would be a distinct advantage. Within the last few months, largely through the most kindly assistance of Dr. Lartigau, who took charge of the JOURNAL during my illness and enforced absence from the office, a number of such contributors have been secured. But there should be more of them; there should be more of our members who are willing to give of their time and their ability for the good of the Society and the improvement of its JOURNAL.

But while admitting as freely as he has done for the last few years that there is room for improvement in the direction of more up-to-date scientific matter in the shape of reviews and editorials in the JOURNAL, the Editor most emphatically opposes the idea expressed by the captious critic from San Francisco. The JOURNAL is the property of every member of the Society. Every member, within reasonable limitations, has a right to believe that his contributions to medical literature should find their way to publicity in the pages of his JOURNAL. The Publication Committee, in 1903, took this position and decided that unless a paper submitted by a member was impossibly bad, or unless there was some other good reason to forbid it, the paper should appear in the JOURNAL if there was room for it; and that a paper read before a county medical society and sent to the JOURNAL by that society with a request for publication, must be published or the matter referred to the Council. The Editor is still in agreement with that view of the Publication Committee and he has seen, during these seven years, a number of instances in which non-productive members have become writers of constantly improving articles, solely, as he believes, through the encouragement given them by the initial publication.

Furthermore, the Editor is convinced that a large majority of our members and readers are physicians practicing busily among sick people who want to be relieved and as soon as possible, rather than pure scientific investigators or abstruse diagnosticians. It is quite as necessary to get hints upon how best to treat one's patients as it is to learn the very latest scientific advance of a purely speculative character that may have occurred in some foreign land. The Editor believes that the JOURNAL is for the many and not for the few in either extreme, and he has steadfastly adhered to that policy from the beginning. If the Society wishes that policy changed, it

must say so in no uncertain tones. In this connection reference to the remarks of the Secretary in 1903 and 1904, Dr. George H. Evans, in his annual reports would seem to be not untimely. He called attention to the great advances made in organization and stated that the part played by the JOURNAL in that work could not be overestimated. I believe that this was true simply because it brought men together; it placed San Diego and Eureka side by side.

I believe that, were the STATE JOURNAL to be made a duplicate in excellence and editorial policy, of the *Journal of the A. M. A.*, the value of the STATE JOURNAL would then and there cease, because it would no longer have the intimate personal interest that it now has to a large number of our members. There is a happy medium and that is what we should continue to strive for; not to make it either intensely scientific or, like the village weekly, purely gossip.

Some papers, reports of meetings, etc., are not published. That is generally because they are so poorly written or put together that they are useless, or because views expressed by authors are contrary to known facts. In many instances the "paper" sent in is merely a collection of notes of cases about which the writer has talked at some meeting, and consequently is not in condition for publication. The Editor has fought the Devil on the one side and has tried to keep from falling into the deep sea on the other, knowing full well that one can never please everybody and that sometimes writers whose articles do not appear seem to resent the fact as though it were a personal insult offered them by the Editor. But nevertheless he has tried to keep close to the policy originally outlined by the Publication Committee, though how successfully he has done so it is hard to say; the task is by no means a simple and an easy one.

Respectfully submitted,

PHILIP MILLS JONES, Editor.

MINUTES OF THE HOUSE OF DELEGATES AT THE FORTIETH ANNUAL SESSION OF THE MEDICAL SOCIETY OF THE STATE OF CALIFORNIA, SACRAMENTO, APRIL 19 AND 20, 1910.

First session, April 19th. The House was called to order by the President, Dr. Parkinson, at 8:30 P. M. The roll call showed 56 delegates present, and the Chair announced a quorum present and the House ready for business.

Reference Committee on New Business. The President stated that it had always been customary to appoint such a committee by resolution, and therefore, if there was no objection, he would not wait for the motion but would proceed to appoint the committee. There being no objection, the following were appointed: H. Bert. Ellis, Stanley Stillman and W. J. G. Dawson.